IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO.14586 of 2004

Between:

M/s Sinclaire Infra Tech Ltd, 2nd Floor, A.P.E.C Complex Kushaiguda
Hyderabad, rep by its Director S.Satish Kumar,
S/o. S.S. Raghavan R/o. D.D.Colony, Hyderabad

..... PETITIONER

AND

1 Bharath Sanchar Nigam Limited (BSNL) B-148, Statesman Road, Barakambha Road, New Delhi rep by its Chairman and Managing Director at New Delhi.
2 Bharath Sanchar Nigam Limited (BSNL) B-148, Statesman Road, Barakambha Road, New Delhi rep by its Deputy Director General (MM).
3 Bharath Sanchar Nigam Limited (BSNL) B-148, Statesman Road, Barakambha Road, New Delhi rep by its Deputy Director General (MM).
4 Bharath Sanchar Nigam Limited (BSNL) B-148, Statesman Road, Barakambha Road, New Delhi rep by its Assistant Director General (ADG MMX) at New Delhi
5 Chief General Manager A.P. Telecom B.S.N.L. Nampally, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more specially one in the nature of writ of Mandamus by declaring the condition imposed in clause 2 (II) in bid document called by the 4th respondent for supply of STM-1 equipment vide tender No.MM/OF/062004/000270 issued on 3-6-2004 is illegal, contrary to the declared Policy and Art-14, 19(1)(g) of Constitution of India and may further direct the respondents to accept the bid document of the writ petitioner without insisting on the condition mentioned in clause 2 (II) of tender document dt.3.6.2004 in the interest of justice and equity.

Counsel for the Petitioner: MR.A.RAVINDER, Advocate.

Counsel for the Respondents MR.A.RAJASHEKAR REDDY

S.C. for Central Government

The Court at the admission stage made the following:

Oral Order:

Learned Counsel for the petitioners represents that the bids submitted by the petitioner were opened and referred to a Tender Committee. In view of the same, no cause survives in the writ petition for the present and he wants to withdraw the same with a liberty to avail such of the remedies available under law, if any adverse order is passed pursuant to the decision taken by the Tender Committee. Permission is accorded.

The writ petition is dismissed as withdrawn reserving liberty to the petitioner to avail the remedies available under law if the Tender Committee takes any adverse decision.

_____ A.GOPAL REDDY, J.

18-08-2004

Murthy

ASSISTANT. REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1.The Chairman and Managing Director, Bharath Sanchar Nigam Limited (BSNL) B-

148, Statesman Road, Barakambha Road, New Delhi

2 The Deputy Director General (MM),Bharath Sanchar Nigam Limited (BSNL) B-148, Statesman Road, Barakambha Road, New Delhi.
3 The Deputy Director General (MM). Bharath Sanchar Nigam Limited (BSNL) B-148, Statesman Road, Barakambha Road, New Delhi.
4 The Assistant Director General (ADG MMX), Bharath Sanchar Nigam Limited (BSNL) B-148, Statesman Road, Barakambha Road, New Delhi.
5 The Chief General Manager, A.P. Telecom B.S.N.L. Nampally, Hyderabad.

6 Two CD copies.